

Application No.: 10/773,447**Docket No.: 713-1058****AMENDMENTS TO THE DRAWINGS:**

The attached replacement sheet of drawings includes changes to Fig. 1. The replacement sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

In Fig. 1, the original non-English text has been deleted, and new label "Prior Art" has been added.

Attachment:

➤ Replacement Sheet

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Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 5, 7, 9 and 11-29 are pending in the application. Claim 5 has been rewritten in independent form including all limitations of base claim 1 and intervening claims 3-4. Claims 1-4, 6, 8 and 10 have been cancelled without prejudice or disclaimer. Claims 7 and 9 have been amended to improve claim language. New claims 11-29 have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification and Abstract have been revised to be compliant with commonly accepted US patent practice. FIG. 1 has been changed in the manner kindly suggested by the Examiner in paragraph 2 of the Office Action. No new matter has been introduced through the foregoing amendments.

The objections to the drawings and specification, as well as the 35 U.S.C. 112, *second paragraph* rejection of claims 1-10 are believed overcome in view of the above amendments.

The 35 U.S.C. 102(b) rejection of claims 1-10 as being anticipated by *Gupta* (U.S. Patent No. 5,931,622) is noted. Applicants respectfully traverse the Examiner's anticipatory rejection of, at least, claim 5 which has been rewritten in independent form by this paper. In particular, the Examiner has failed to specify how *Gupta* teaches or discloses the limitation of claim 5 that **all** the guide pegs of the strip have the lugs. *See*, also column 3, lines 5-8 and elements 171, 173 in FIG. 11 of *Gupta*. The Examiner's rejection of claim 5 is therefore inappropriate and should be withdrawn.

Claims 7 and 9 have been amended to depend from claim 5. Therefore, the anticipatory rejection of these claims should also be withdrawn.

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New independent claim 11 is patentable over the applied art of record because the art does not fairly teach or suggest a strip of fasteners for a fastening apparatus, comprising: a plurality of fasteners each comprising a shank being pointed at one end and bearing a head at an opposite end; and a plurality of hollow holding elements connected in series along a longitudinal direction of said strip; wherein each of said holding elements receives and surrounds the shank of one of said fasteners, and comprises upper and lower portions adjacent the head and the pointed end of said fastener, respectively; and the upper portion of at least one of said holding elements extends radially outwardly, in a direction transverse to said longitudinal direction, beyond a maximum radial extent of the lower portion in said transverse direction, whereby the upper portion being engageable with a wall of a bore of the fastening apparatus for preventing the fastener held by said at least one holding element from tilting when placed in a firing position in the bore. New independent claim 11 and the highlighted limitation find solid support, at least, in the original drawings, e.g., FIG. 5. As can be best seen in FIG. 13 of *Gupta*, all the extensions 171, 173, 81, 83, 85, and 87 are located in the lower portion of each sleeve, and therefore, the upper portion 74 does not extend radially outwardly beyond a maximum radial extent of the lower portion as presently claimed.

Claims 12-29 depend from claim 11, and are considered patentable at least for the reason advanced with respect to claim 11.

As to claim 14, the applied art of record does not appear to fairly teach or suggest that the holding element having the upper portion being engageable with a wall of a bore of the fastening apparatus is positioned in a middle of said strip. Note, again column 3, lines 5-8 and elements 171, 173 in FIG. 11 of *Gupta*.

As to claim 15, note the argument advanced above with respect to original claim 5.

As to claim 16, the applied art of record does not appear to fairly teach or suggest that all

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the holding elements of said strip are **identical**. Compare, for example, the first, third and fifth sleeves in FIG. 11 of *Gupta*.

As to claims 17-19, the applied art of record does not appear to fairly teach or suggest that each of said holding element comprises a tubular part and a ring on top of said tubular part, said ring defining the upper portion of said holding element and being elongated in said **transverse direction**, as recited in claim 17. *See*, for example, FIG. 12a of *Gupta* where it is illustrated that the upper openings of the sleeves are elongated in the longitudinal direction of the strip.

As to claim 20, the applied art of record does not appear to fairly teach or suggest that an upper surface of said at least one projection is **flush** with an upper surface of said ring, whereas a lower surface of said at least one projection is at a level above a lower surface of said ring. *See*, the region near re numeral 74 in FIG. 13 of *Gupta*.

As to claim 22, the applied art of record does not appear to fairly teach or suggest, in combination with the strip of fasteners, a loading device for transferring the fasteners of said strip into the fastening apparatus; said loading device comprising an elongated internal passage in which said strip is receivable, a wall of said passage including at least one **groove** with which the upper portions of said fasteners are engageable when said fasteners are received in said passage. The Examiner's attempt to read the *Gupta* rib (column 3, line 8) on the claimed groove is inappropriate, because the two elements are structurally distinct. A groove is a concave feature, whereas a rib is a convex feature that cannot be readable on another, concave feature, such as the groove.

As to claim 23, the applied art of record does not appear to fairly teach or suggest that the passage of said loading device further comprises at least one **shoulder** downwardly spaced from said at least one groove, said at least one shoulder directly supporting, from below, the lower portions of the fasteners received in said passage. The *Gupta* ribs might be readable, if at all, on only one, not both, of the claimed groove and shoulder.

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As to claim 24, the applied art of record does not appear to fairly teach or suggest, in combination with the strip and loading device, a **fastening apparatus comprising another groove** with which the upper portion of one of said fasteners is engageable when said one fastener is loaded in the firing position by said loading apparatus, thereby preventing said one fastener from tilting when placed in the firing position. The grooves of claims 23 and 24 together effect a smooth transfer, without tilting, of the fastener and the associated holding element from the loading device into the fastening apparatus. This is an improvement over the embodiments illustrated in the figures of *Gupta*, where the last sleeve's lateral extensions are arranged to abut the ribs in the magazine for stabilizing the last sleeve and preventing it from tilting in the magazine. Since the ribs are provided only in the magazine, the last sleeve may not be properly stabilized during its transfer into the fastening apparatus from the magazine. See, for example, column 8, lines 26-32 and FIG. 10 of *Gupta*.

As to claim 25, the applied art of record does not appear to fairly teach or suggest the specifically claimed combination, as argued above with respect to claims 5, 17-19 and 22.

As to claims 26-27, the applied art of record does not appear to fairly teach or suggest, in combination with the strip of fasteners, a **fastening apparatus comprising a groove** with which the upper portion of one of said fasteners is engageable when said one fastener is loaded in the firing position, thereby preventing said one fastener from tilting when placed in the firing position, as argued with respect to claim 24.

As to claim 28, the applied art of record does not appear to fairly teach or suggest the claimed loading device for transferring the fasteners of the strip into a firing position in a bore of a fastening apparatus, said loading device comprising an elongated internal passage in which said strip is receivable; a wall of said passage including at least one groove with which the upper portions of said fasteners are engageable when said fasteners are received in said passage; said passage further comprising at least one **shoulder** downwardly spaced from said at least one groove,

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for directly supporting, from below, the lower portions of said fasteners received in said passage, as argued with respect to claims 22-23.

As to claim 29, the applied art of record does not appear to fairly teach or suggest the claimed fastening apparatus for driving the fasteners of the strip, said fastening apparatus comprising: a bore having a firing position from which said fasteners are driven out of said apparatus; and a weight adapted to propelled along said bore for driving said fasteners, one at a time, from the firing position within said bore out of said fastening apparatus; the wall of the bore of said fastening apparatus comprising a groove in a vicinity of said firing position to be engageable with the upper portion of one of said fasteners when said one fastener is loaded in the firing position, thereby preventing said one fastener from tilting when placed in the firing position, as argued with respect to claim 24.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

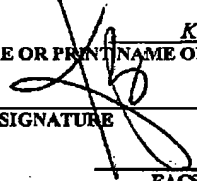
Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP


Benjamin Hauptman
Registration No. 29,310

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111 BJH/KL/klb
(703) 518-5499 Facsimile
Date: May 24, 2005

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